

VIA FACSIMILE: (703) 872-9306

100718-370/ Beiersdorf 571.2-HCL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : GERS-BARLAG ET AL.
SERIAL NO. : 10/081,547
FILED : 21 February 2002
FOR : Emulsifier-Free Finely Dispersed Systems of the
Oil-In-Water and Water-In-Oil Type
ART UNIT : 1616
EXAMINER : Michael G. Hartley

February 9, 2004

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your petitioner, Beiersdorf AG, of D-20253 Hamburg, Germany, represents that it is the 100% owner of the above-identified application by virtue of an assignment which was recorded in the U.S. Patent Office on December 6, 1999, at Reel 010422, Frame 0398. Your petitioner hereby disclaims the terminal portion of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of any patent issuing from application Serial No. 09/367,365 and hereby agrees that any patent so granted on said above-identified application shall be enforceable only for and during such period that it and any patent issuing from application Serial No. 09/367,365 are commonly owned, this agreement to run with any patent granted on said above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on said above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from application Serial No. 09/367,365 in the event that any said issued patent later: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid, (4) is statutorily disclaimed in whole, (5) is terminally disclaimed under 37 CFR 1.321(a), (6) has all claims canceled by a reexamination certificate, or (7) is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer except for the separation of legal title stated above.

The undersigned is an attorney of record and authorized to sign and submit this terminal disclaimer.

Respectfully submitted,

NORRIS MCLAUGHLIN & MARCUS, P.A.

By Howard C. Lee
Howard C. Lee
Reg. No. 48,104

220 East 42nd Street
30th Floor
New York, New York 10017
(212) 808-0700

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Terminal Disclaimer (2 pages total) is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below:

Date: February 9, 2004

By Agata Glińska
Agata Glińska